

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**THE KAY COMPANY, LLC,  
DIANA KILE GREEN,  
Individually and Attorney-In-Fact  
for the Heirs of Luther E. Kile,  
THE H. A. ROBSON TRUST, by  
EDWIN N. VINSON,  
Beneficiary & Trustee of the  
H. A. Robson Trust,  
DAVID H. DAUGHERTY,  
Trustee of the H. A. Robinson Trust, and  
MARY BLAIR V. CHAPUISAT,  
Beneficiary of the H. A. Robson Trust,  
H. DOTSON CATHER,  
Trustee of Diana Goff Cather Trusts,  
CLYDE EMERSON MCCLUNG,  
Individually, and  
JAMES E. HAMRIC, III,  
Individually,**

**Plaintiffs,**

**v.**

**Case No. 2:06-CV-0612  
Honorable Joseph R. Goodwin**

**EQUITABLE PRODUCTION COMPANY,  
a qualified Pennsylvania corporation;  
EQUITABLE RESOURCES, INC.,  
a Pennsylvania corporation;  
STATOIL NORTH AMERICA, INC.,  
a Delaware corporation;  
STATOIL ENERGY, INC.,  
a Virginia corporation;  
STATOIL ENERGY HOLDINGS, INC.,  
a Delaware corporation; and  
AHLAND OIL, INC.,  
a Kentucky corporation,**

**Defendants.**

**MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT AGAINST  
DEFENDANT EQUITABLE RESOURCES, INC.**

Equitable Resources, Inc. (“Equitable Resources”), Defendant herein, by its counsel, hereby responds to Plaintiffs’ Amended Complaint by filing the instant *Motion to Dismiss Plaintiffs’ Amended Complaint Against Defendant Equitable Resources, Inc.*, and the accompanying *Brief in Support of Motion to Dismiss Defendant Equitable Resources, Inc., Under Federal Rule of Civil Procedure 12(b)(6)*. Plaintiffs have failed to state a claim upon which relief can be granted against Equitable Resources. Equitable Resource’s legal argument and support for dismissal are set forth completely in its accompanying *Brief in Support*.

WHEREFORE, for reasons explained above and set forth more fully in Equitable Resources attached *Brief in Support*, Equitable Resources hereby moves the Court for an Order dismissing Plaintiffs’ Amended Complaint in its entirety as against Equitable Resources; awarding Equitable Resources the reasonable costs of this action, including reasonable attorneys’ fees; and granting Equitable Resources such other and further relief as the Court deems just and proper.

Respectfully Submitted,  
**EQUITABLE RESOURCES, INC.**  
By Counsel

**LEWIS, GLASSER, CASEY & ROLLINS, PLLC**

/s/ Richard L. Gottlieb

Richard L. Gottlieb (W. Va. Bar No. 1447)

/s/ Joseph A. Tarantelli

Joseph A. Tarantelli (W. Va. Bar No. 10115)

Post Office Box 1746

Charleston, WV 25326

/s/W. Thomas McGough, Jr.

*Admitted Pro Hac Vice*

/s/Natalie Chetlin Moritz

*Admitted Pro Hac Vice*

REED SMITH

435 6<sup>th</sup> Avenue

Pittsburgh, Pennsylvania 15219

**CERTIFICATE OF SERVICE**

I hereby certify that on Monday, April 30, 2007, I electronically filed the foregoing **“DEFENDANT EQUITABLE RESOURCES, INC.’S MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT”** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Marvin W. Masters, Esq.  
The Masters Law Firm, LC  
*Counsel for Plaintiffs*

Alexander Macia, Esq.  
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Spilman Thomas & Battle, PLLC  
*Counsel for Statoil North America, Inc., Statoil Energy, Inc.  
And Statoil Energy Holdings, Inc.*

Thomas W. Pettit, Esq.  
Thomas W. Pettit, L.C.  
*Counsel for Plaintiffs*

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*Counsel for Plaintiffs*

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Mark R. Staun, Esq.  
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*Counsel for Plaintiffs*

David J. Romano, Esq.  
Romano Law Office  
*Counsel for Plaintiffs*

I further certify that on Monday, April 30, 2007, I also served the foregoing **“DEFENDANT EQUITABLE RESOURCES, INC.’S MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT”** via U. S. Mail to counsel of record not currently registered with the CM/ECF system at the following address:

George M. Scott, Esq.  
Carey, Scott & Douglas, PLLC  
PO Box 230  
Spencer, WV 25276

/s/ Joseph A. Tarantelli

Joseph A.  
Tarantelli (W. Va. Bar No. 10115)

